

1 subsequent to the Order to Show Cause the Respondents
2 participated fully in the examination process.

3 5. The licensee surrendered their license in October of 2007.

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5 II. For purposes of amicably resolving and closing the above-referenced
6 matters the Respondents agree to the following terms and conditions and the
7 Department accepts the same:

- 8 1. The Respondents agree that they have voluntarily entered into this
9 Agreement without reliance upon any discussions between the
10 Department and Respondents, without promise of a benefit of any kind
11 (other than concessions contained in this Agreement), and without
12 threats, force, intimidation, or coercion of any kind. The
13 Respondents further acknowledge their understanding of the nature of
14 the offenses stated above, including the penalties provided by law.
- 15 2. The Respondents agree to waive any and all rights to a hearing and
16 appeal thereof.
- 17 3. The Respondents agree that they will not deny the factual basis for
18 this Agreement to which they have stipulated above and will not give
19 conflicting statements about such facts or their involvement in the
20 stipulated facts.
- 21 4. The Respondents agree that all terms of this Agreement are
22 contractual and none is a mere recital.
- 23 5. The Respondents agree they are subject to an administrative penalty
24 of at least \$2,500.00 each as a result of their admitted violations
25 of the Chapter and a statutory penalty of \$12,000.00.
6. The Department agrees to suspend the statutory penalty and \$2,500.00
of the combined administrative penalty upon receipt of Respondents
compliance with its further agreements herein.
7. Respondents will timely pay the examination bill.
8. Respondents will pay the remaining \$2,500.00 administrative penalty
contemporaneously with this agreement.
9. Respondents will remain in compliance with all Chapters subject to
the Department's jurisdiction for a period of two years.
10. The Respondents acknowledge that failure to make payment as agreed
above may result in further administrative fines, retroactive
revocation of the license and possible criminal liability.

1 This Agreement represents the complete and final resolution of, and discharge
2 of any basis for any civil or administrative proceeding by the Department
3 against the Respondents for violations arising as a result of or in
4 connection with any actions or omissions by the Respondents through the date
5 of this Order as it applies to the allegations in this action; provided,
6 however, this release does not apply to facts not known by the Department or
7 not otherwise provided by the Respondents to the Department as of the date of
8 this Order nor to actions for Restitution under RSA 383:10-d, or any possible
9 actions related to the examination just completed. The Department expressly
10 reserves its right to pursue any administrative or civil action or remedy
11 available to it should the Respondents breach this Agreement or in the future
12 violate the Act or rules and orders promulgated thereunder.

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1 **WHEREFORE**, based on the foregoing, we have set our hands to this Agreement,
2 with it taking effect upon the signature of Peter C. Hildreth, Bank
3 Commissioner.

4 Recommended this 19th day of June, 2008 by

5 /S/

6 James Shepard, Staff Attorney, Banking Department

7 Executed this 19th day of June, 2008.

8 /S David Church/

9 _____, as representative for Respondents.

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11 **SO ORDERED,**

12 Entered this 14th day of July, 2008.

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14 /S/

15 Peter C. Hildreth,
16 Bank Commissioner
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